

1 **POLITICAL ACTIVITIES OF PUBLIC ENTITIES AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill amends provisions relating to political activities of a public entity.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ prohibits a person from using the email of a public entity or, subject to certain
- 11 exceptions, certain media owned or managed by a public entity for a political
- 12 purpose;
- 13 ▶ expands the definition of a political purpose in relation to a petition for a ballot
- 14 proposition;
- 15 ▶ provides for the appeal of a fine imposed under this bill; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **20A-11-1205**, as enacted by Laws of Utah 2015, Chapter 435

24

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **20A-11-1205** is amended to read:

27 **20A-11-1205. Use of public email or other media for a political purpose.**

28 (1) As used in this section, "political purpose" means an act done with the intent or in a

29 way to:

30 (a) influence or tend to influence, directly or indirectly, any person to refrain from
31 voting or to vote for or against any;

32 (i) candidate or a person seeking a municipal or county office at any caucus, political

33 convention, or election; or

34 (ii) judge standing for retention at any election; or

35 (b) advocate for or against a ballot proposition or a petition for a ballot proposition.

36 ~~[(1)] (2)~~ Except as provided in Subsection ~~[(5)] (6)~~, a person may not ~~[send an email~~
37 ~~using the email of a public entity, for a political purpose or to advocate for or against a ballot~~
38 ~~proposition.]~~ do any of the following for a political purpose:

39 (a) send an email using the email of a public entity; or

40 (b) post to social media using a social media account owned or managed by a public
41 entity.

42 ~~[(2)] (3)~~ The applicable election officer shall impose a civil fine against a person who
43 violates Subsection ~~[(1)] (2)~~ as follows:

44 (a) up to \$250 for a first violation; and

45 (b) except as provided in Subsection ~~[(3)] (4)~~, for each subsequent violation committed
46 after any applicable election officer imposes a fine against the person for a first violation,
47 \$1,000 multiplied by the number of violations committed by the person.

48 ~~[(3)] (4)~~ The applicable election officer shall consider a violation of this section as a
49 first violation if the violation is committed more than seven years after the day on which the
50 person last committed a violation of this section.

51 ~~[(4)] (5)~~ For purposes of an email sent in violation of this section, one violation means
52 one act of sending an email, regardless of the number of recipients of the email.

53 ~~[(5)] (6) (a)~~ A person does not violate this section if the ~~[lieutenant governor]~~ election
54 officer finds that the email described in Subsection ~~[(1)] (2)~~ was inadvertently sent, as a reply
55 to an email received by the person described in Subsection ~~[(1)] (2)~~, using the email of a public
56 entity.

57 (b) Subsection (2) does not prohibit a person from, for a political purpose, responding
58 to a post originating from a social media account owned or managed by a public entity, if the
59 person responds using an account other than an account owned or managed by a public entity.

60 (7) (a) A person against whom an election officer imposes a fine under this section
61 shall pay the fine no later than 30 days after the day on which the election officer imposes the
62 fine.

63 (b) A person against whom an election officer imposes a fine under this section may

64 appeal the fine in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

65 [~~6~~] (8) A violation of this section does not invalidate an otherwise valid election.

Legislative Review Note
Office of Legislative Research and General Counsel